United Nations A/66/297

General Assembly

Distr.: General
12 August 2011

Original: English

Sixty-sixth session
Item 19 of the provisional agenda*
Sustainable development

Oil slick on Lebanese shores

Report of the Secretary-General

Summary

The present report, submitted in response to General Assembly resolution 65/147, provides an update on progress made in the implementation of Assembly resolutions 61/194, 62/188, 63/211, 64/195 and 65/147 related to the oil slick on Lebanese shores that resulted from the bombing of oil storage tanks in the vicinity of the Jiyeh power plant, a civilian utility serving the general public in Lebanon, in July 2006. It complements the information presented in previous reports of the Secretary-General on the subject (A/62/343, A/63/225, A/64/259 and A/65/278).

* A/66/150.

11-45217 (E) 190811

Please recycle

1. The present report was prepared by the United Nations Environment Programme and the United Nations Development Programme (UNDP). It builds on the work done by the inter-agency team[1] established for the preparation of the previous reports on the oil slick on Lebanese shores. The report is submitted pursuant to paragraph 9 of General Assembly resolution 65/147, in which the Assembly requested the Secretary-General to submit to it at its sixty-sixth session a report on the implementation of the resolution under the item entitled "Sustainable development".

2. The destruction by the Israeli Air Force of oil storage tanks in the vicinity of the Jiyeh power plant in Lebanon on 15 July 2006 resulted in the release of about 15,000 tons of fuel oil into the Mediterranean Sea, leading to the contamination of about 150 km of coastline in Lebanon and the Syrian Arab Republic. This caused damage to the environment and hindered efforts to achieve sustainable development, as already highlighted in General Assembly resolutions 61/194, 62/188, 63/211 and 64/195.

3. Several United Nations agencies and other international, regional and national entities, including the International Union for Conservation of Nature, the World Bank and the National Council for Scientific Research of Lebanon were involved in assessing the implications of the oil spill for human health, biodiversity, fisheries and tourism in Lebanon. A summary of their combined findings was presented to the General Assembly in the previous reports of the Secretary-General on the subject. No further studies have been conducted during the past year.

4. In paragraph 4 of its resolution 65/147, the General Assembly requested the Government of Israel to assume responsibility for prompt and adequate compensation to the Government of Lebanon and other countries directly affected by the oil slick, such as the Syrian Arab Republic, whose shores have been partially polluted, for the costs of repairing the environmental damage caused by the destruction, including the restoration of the marine environment, in particular in the light of the observation by the Secretary-General concerning the lack of any acknowledgement on the part of the Government of Israel of the relevant paragraphs of resolutions 61/194, 62/188, 63/211 or 64/195. This echoed previous Assembly requests. To date, this request of the Assembly has yet to be implemented.

5. With reference to the identification of a suitable mechanism for compensation, in 2007 UNDP reviewed the many conventions that relate to oil pollution at sea and that many Eastern Mediterranean countries have signed, as well as other possible agreements or compensation schemes. Unfortunately, all conventions are inapplicable during armed hostilities. In addition, the agreements that relate to oil spill compensation[2] pertain only to oil spills from tanker vessels at sea, not land-based incidents. In 2007, UNDP recommended the examination of the United

[1] The inter-agency team comprised the United Nations Environment Programme, the United Nations Development Programme, the Food and Agriculture Organization of the United Nations, the World Health Organization and the World Bank. The International Union for Conservation of Nature was a key partner.

[2] The International Convention on Civil Liability for Oil Pollution Damage, 1969, and the 1992 Protocol thereto; the 1992 Protocol to the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (International Oil Pollution Compensation Fund); and the 2003 Protocol on the Establishment of a Supplementary Fund for Oil Pollution Damage (Supplementary Fund Protocol).

Nations Compensation Commission as the only precedent major oil-spill compensation regime for spills arising from armed hostilities.

6. The mandate of the United Nations Compensation Commission, as established by the Security Council, is limited to processing claims and paying compensation for losses and damage suffered as a direct result of the unlawful invasion and occupation of Kuwait by Iraq. It does not, therefore, have any potential role in securing compensation from the Government of Israel for the costs of repairing the environmental damage as requested by the General Assembly in paragraph 4 of its resolution 65/147. The experiences of the Compensation Commission in handling claims for compensation for environmental damage resulting from the unlawful invasion and occupation of Kuwait by Iraq may, nevertheless, be of some value in terms of defining environmental damage in a case such as the present one, in measuring and quantifying the damage sustained and in determining the amount of compensation payable in respect of it.

7. In paragraph 7 of its resolution 65/147, the General Assembly welcomed the agreement of the Lebanon Recovery Fund to host the Eastern Mediterranean Oil Spill Restoration Trust Fund and, in paragraph 8 of the same resolution, invited States, intergovernmental organizations, non-governmental organizations and the private sector to make voluntary financial contributions to the Trust Fund. In that regard, the Assembly requested the Secretary-General to mobilize international technical and financial assistance, in order to ensure that the Trust Fund had sufficient and adequate resources, since Lebanon was still engaged in the treatment of wastes and the monitoring of recovery. To date no contributions have been made to the Trust Fund.

Conclusions

8. **The Secretary-General wishes to commend the ongoing efforts of the Government of Lebanon to address the impact of the oil spill. There remains, however, grave concern at the lack of implementation of the relevant provisions of the resolutions of the General Assembly on the subject vis-à-vis reparations and compensation to the Government and people of Lebanon and the Syrian Arab Republic affected by the oil spill.**

9. **The Secretary-General would like to once more commend the response of the international donor community to this matter. Nonetheless, given the particularity of the cause and the prevailing circumstances of the Lebanese oil spill case at the time of the incident and beyond, the Secretary-General would urge Member States, international organizations, international and regional financial institutions, non-governmental organizations and the private sector to continue their support for Lebanon in this matter, particularly for rehabilitation activities on the Lebanese coast and in the broader recovery efforts. This international effort should be intensified, since Lebanon is still engaged in the treatment of wastes and the monitoring of recovery; States and the international donor community are encouraged to make contributions to the Eastern Mediterranean Oil Spill Restoration Trust Fund hosted by the Lebanon Recovery Fund.**